

Decision Record

Right-of-Way for a New Communication Site on Public Lands

NEPA Number:DOI-BLM-NV-S010-2011-0075-EA

Compliance

The proposed action is in conformance with the approved land use plan and is consistent with the applicable plans and policies of county, state, tribal and federal agencies. The proposed project is in compliance with the Federal Land Policy and Management Act (FLPMA) of 1976 and all Bureau of Land Management (BLM) land uses in Southern Nevada, the Las Vegas Resource Management Plan (RMP), the Endangered Species Act, the National Historic Preservation Act, and the Clean Water Act.

Selected Action

The selected action is Alternative No.1, as mentioned in the environmental analysis DOI-BLM-NV-S010-2012-0075-EA. The selected action is a right-of-way for an unmanned wireless telecommunication facility on public lands. Arizona Nevada Tower Corporation (ANTC) has applied for the right-of-way in order to provide communication services in the Goodsprings, Nevada area. The right-of-way is necessary for the hospital broadband initiative which will bring internet and educational services to hospitals across the state.

The following existing uses were analyzed for cumulative impacts associated with this action:

The new facility will be located adjacent to the Lower Potosi Communication Site and will be included if the action is approved. The existing users at the communication site have all been notified of the action and there have been no negative comments received.

- Nev-022045 – American Tower Corporation
- N-89547 – Las Vegas Metropolitan Police Department
- N-88871 – Aeronautical Radio, Inc (ARINC)
- Nev-057449 – Federal Aviation Administration (FAA)
- N-3268 – Las Vegas Repeater
- N-3888 – Clark County School District
- N-7117 – City of Los Angeles, Department of Water and Power
- N-19982 – Nevada Amateur Radio
- N-41939 – Hilltop Church
- N-55409 – Tri State Amateur
- N-85083 – Nevada Power Company

To resolve any conflicts, the proponent sent a letter to all leaseholders at the Lower Potosi Communication Site notifying them of the proposed action and technical data.

Cumulative impacts associated with this proposed action should be minor since the project is for a communication site and access road. No new or unusual effects to the surrounding resource landscape are expected to occur. Appropriate stabilization and rehabilitation measures will be completed in conformance with the requirements of BLM, the State of Nevada Division of Environmental Protection, and Clark County Department of Air Quality and Environmental Management.

Decision:

Since the cumulative impacts associated with this proposal have been analyzed and conflicts resolved, it is my decision to implement the above proposed action known as Alternative No.1. Comments providing substantive information relevant to the analysis and mitigation measures are incorporated into stipulations known as Exhibit B, and attached to the communication use lease.

Compliance with NEPA:

An EA was carried out in compliance with the National Environmental Policy Act (NEPA) to evaluate the proposal for an unmanned wireless communication facility, including relevant issues and concerns and planned improvements necessary to satisfy the projects purpose and need.

Effects the proposed action may have on our resources were addressed for air quality, invasive species/noxious weeds, hydrologic conditions, paleontology, threatened, endangered or candidate animal and plant species, water resources, recreation, wilderness, wetlands, and other types of resource issues.

This environmental analysis is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

Public Involvement:

Consultation and internal scoping and coordination was carried out with federal, state, and local agencies and interested parties as follows:

The proposal has been reviewed by Bureau of Land Management (BLM) resource team members. Their comments and evaluations are included in the environmental assessment.

During review of the environmental assessment, cumulative impacts associated with this action were analyzed for the project area. The cumulative actions which were analyzed are described above in Section 1.2 Selected Action.

The proposal is available for review by the public on the internet on the DOI.GOV website under NEPA number: DOI-BLM-NV-S010-2012-0075-EA. No negative comments regarding this proposal have been received.

Rationale:

The proposed action is in conformance with the approved land use plan: Las Vegas Resource Management Plan and Final Environmental Impact Statement, and Record of Decision for the Approved Las Vegas Resource Management Plan and Final Environmental Impact Statement, October 1998.

The action meets Rights-of-Way Management. Objective: RW-1: "Meet public demand and reduce impacts to sensitive resources by providing an orderly system of development for transportation, including legal access to private inholdings, communications, flood control, major utility transmission lines, and related facilities."

The action meets Management Direction. RW-1-h: "All public land within the planning area, except as stated in RW-1-c through RW-1-g, are available at the discretion of the agency for rights-of-way under the authority of the Federal Land Policy Management Act."

Appeal or Protest Opportunities:

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the information provided in BLM Form 1842-1.

If an appeal is taken, your notice of appeal must be filed in the Las Vegas Field Office, Bureau of Land Management, U.S. Department of the Interior, 4701 North Torrey Pines Drive, Las Vegas, Nevada 89130, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulations 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

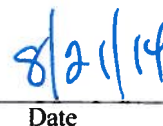
Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Authorizing Official:



Vanessa L. Hice
Assistant Field Manager
Division of Lands



Date

Contact Person:

For additional information concerning this Finding, contact:

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